

Rochester Public Schools DOCKET FILE COPY ORIGINAL

Independent School District #535
615 7th St. SW • Rochester, Minnesota 55902-2052

Business Services • Telephone (507) 285-8592 • FAX (507) 287-1344

September 10, 2001

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

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SEP 17 2001

FCC MAIL ROOM

In the Matter of: Request for review by Rochester Public Schools, Minnesota
Independent School District No. 535 of Decision of Universal Service
Administrator

FCC Docket Nos. 97-21 and 96-45

Dear Secretary:

This is a Request for Review letter regarding the Universal Service Administration Company's Administrator's Decision on Waiver Request. Letter, dated August 13, 2001 and titled Decision on Waiver Request to Rochester Public School District's consultant, Daniel Cincoski, denied the request Mr. Cincoski submitted in behalf of Rochester Public School District. (See Attachment No. 1) This letter is an appeal of the USAC Decision for the following 471 applications.

471 Application No. 215714, Rochester R4001

Rochester Public School District is filing this Request for review to the Secretary as stipulated in the General filing requirements, FCC Rules Section 54.719.

1. Statement setting forth the party's interest in the matter presented for review:

Rochester Public Schools as a Kindergarten through 12th grade school district is an eligible agency to receive discounts on telecommunications services through the E-rate program. Our discount requests are to help defray the costs of ongoing and new telecommunications and Internet services. Our year four request is for discounts on \$56,228.88 worth of services.

2. Statement of relevant material facts and supporting affidavits and documentation:

In periodic review of the web site, did not read the November 2, 2000 posting adding the requirement to have signature and support documents post marked as of the cutoff date of January 18 along with the electronic filing.

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The reminder was posted on the SLD website on January 12, 2001 summarizing the requirement. With six days remaining, Rochester Public School's Consultant Mr. Daniel T. Cincoski contacted the SLD Support Line at 888-203-8100 to ask about the rule change. Mr. Cincoski was erroneously told that we were not required to mail the signature and information support documents by the cutoff date and time. Therefore, the Rochester Public Schools proceeded with submitting the electronic application and followed up with the paper documents in the two weeks following the electronic submission.

Rochester Public Schools did meet the January 18, 2001 deadline, submitting the electronic filing on that date. We submitted complete documents in accordance with the SLD requirements for approved services as defined on the Eligible Services List.

3. The question presented for review with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision:


Should Rochester Public Schools be denied E-rate discounts, having submitted our application on time electronically and having submitted paper documentation after the designated due date upon erroneous direction of SLD Support Line.

4. Statement of relief sought and the relevant statutory or regulatory provision pursuant to which relief is sought.

We request that the FCC review our appeal of the decision of USAC and reverse the decision so that we may receive the funding requested.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Paul Bourgeois". The signature is written in a cursive, flowing style.

Paul Bourgeois,
Director of Business Services

Attachments



Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Waiver Request

August 13, 2001

Daniel Cincoski, RCDD, CDT
RE: Rochester Public Schools
Armstrong Torseth Skold & Rydeen Inc
8501 Golden Valley Road, Suite 300
Minneapolis, MN 55427

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002

Application Number: 215714

Date Request Received: July 30, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

**Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554**

You must file an appeal with the FCC no later than 30 days from the date of this letter, in order for your appeal to be considered by the FCC.

Schools and Libraries Division
Universal Service Administrative Company



ARMSTRONG TORSETH SKOLD & RYDEEN INC

July 23, 2001

Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

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FCC MAIL ROOM

Re: Rochester Public Schools, 471
Application: R4001
ATS&R Project Number: 00041
Letter of Appeal

To Whom It May Concern:

This is in response to the notification "YOUR FORM 471 HAS BEEN RECEIVED - BUT AFTER THE JANUARY 18 WINDOW CLOSED," dated July 12, 2001 regarding Rochester Public Schools, 471, Application 215714 and Applicant Form Identifier: R4001.

This application was posted on the USAC web site January 18, 2001 as identified on the web site. We are requesting that this application be considered as not being late for the Year 4 funding period cutoff.

The majority of this application is for ongoing services that have been approved in previous funding years. Not receiving the funding on this and other submitted applications will jeopardize the voice and data communications for the District.

In my periodic review of the web site, I did not read the November 2, 2000 posting, adding the requirement to have signature and support documents post marked as of the cutoff date of January 18 along with the electronic filing. I did read the reminder SLD sent out on January 12, 2001 summarizing the requirement. I called the SLD information number (888-203-8100) to ask about the rule change and was told that we were not required to mail the signature and information support documents by the cutoff date and time. Therefore, I proceeded with submitting the electronic application and followed up with the paper documents in the two weeks following the electronic submission.

Schools and Libraries Division
July 23, 2001
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We appreciate the steps taken by the FCC and USAC, SLD to improve the application process, and administration of the program. We have made very effort to comply with the requirements of the E-rate process, however, the extensive changes made each year by the USAC and FCC make it difficult to properly prepare and submit the applications.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Daniel T. Cincoski".

Daniel T. Cincoski, RCDD, CDT
Partner/Technology Design

DTC/jlt

cc: Paul Bourgeois, Rochester School District